

REMARKS

The Office Action dated June 2, 2004, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1-5 and 7-15 have been amended to more particularly point out and distinctly claim the subject matter of the invention. Claim 6 has been canceled, without prejudice. No new matter has been added. Thus, claims 1-5 and 7-15 are pending in the application, and are respectfully submitted for consideration.

Claims 5, 6 and 15 were objected to because of alleged informalities. The Office Action alleged that the feature of "control parameters of the gateway" were not clearly defined and asked "what is consider [sic] as a parameter?" Applicant submits that the feature is clearly defined and a discussion of parameters may be found in the specification, for example, on page 8, lines 4-5 and page 12, lines 7-9. Applicant submits that one skilled in the art would understand that a network control device controls parameters of an interface establishing device. As recited in claim 5, "said network control device controls parameters of said interface establishing device." Claim 15 recites "controlling parameters of said interface establishing device." Applicant submits that these recitations clearly define "parameters."

The Office Action also alleged that features recited in claims 6 and 15 were not clearly defined. Claim 6 has been canceled and claim 15 has been amended to remove these features from the pending claims. Thus, the objections are rendered moot.

Claims 1-3, 6-8, 10, and 13-15 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,122,364 (*Petrunka et al.*) The Office Action took the position that *Petrunka* taught all the features of independent claims 1, 8, and 13. Applicant submits that *Petrunka* does not disclose or suggest all the features of any of the presently pending claims.

Claim 1, upon which claims 2-5 and 7 are dependent, recites a network control device for controlling data transfer in a first network. The data transfer is supplied from a second network via a switch device adapted to control the second network and an interface establishing device connected between the switch device and a first network. The network control device controls the interface establishing device by using signaling associated with the first network. The network control device loads control software for the interface establishing device via the first network into the interface establishing device.

Claim 8, upon which claims 9-12 are dependent, recites an interface establishing device for providing an interface between a first network and a second network. The interface establishing device is adapted to receive data from the second network by using signaling associated with the second network and to transmit the data to the first network by using signaling associated with the first network. The interface establishing device is configured to receive control software for the interface establishing device from the network control device via the first network.

Claim 13 recites some of the features of claims 1 and 8.

Claim 14, upon which claim 15 is dependent, recites a method for controlling a network system comprising a first network, a second network, an interface establishing device providing interface between the networks, and a switch device to which the interface establishing device is connected and which controls the second network. The method includes controlling the interface establishing device via the first network by using signaling associated with the first network. The method also includes controlling the switch device via the first network by using signaling associated with the second network. The method also includes loading control software for the interface establishing device from a network control device into the interface establishing device, if it is decided that an update is necessary.

As discussed in the specification, examples of the present invention enable software for a gateway to be loaded from the network control device into the gateway by using an IP network. Thus, handling of the gateway is made easier and more efficient. By applying the network control device, a gateway between the first and second network may be easily installed. It is respectfully submitted that the cited reference of *Petrunka* fails to disclose or suggest all the elements of any of the presently pending claims. Therefore, *Petrunka* fails to provide the critical and unobvious advantages discussed above.

Petrunka relates to an internet network call center. Referring to Figure 1, *Petrunka* describes a network call center where customers call in via a public switch telephone network 1400 to be connected to agents. These agents, such as agent 1300, are

connected via voice over IP (VOIP) via data network 1500 with network call center 1100. Agent 1300 uses terminal 1310 to connect to network call center 1100. Network call center 1100 controls the routing of calls from customer 1200 to agent 1300 using switch 1110, server 1120, interactive voice response unit 1130, and VOIP server 1140. VOIP server 1140 includes a collection of VOIP cards, or software multimedia components, to convert voice to data and data to voice for transmitting voice signals over data network 1500. *Petrunka*, however, does not disclose or suggest the feature of a network control device loading control software for an interface establishing device via a first network into the interface establishing device.

In contrast, claim 1 recites "said network control device loads control software for said interface establishing device via said first network into said interface establishing device." Claim 8 recites an interface establishing device that includes at least this feature of claim 1. Claim 13 recites some of the features of claims 1 and 8. Claim 14 recites "loading control software for said interface establishing device from a network control device into said interface establishing device, if it is decided that an update is necessary." Applicant respectfully submits that *Petrunka* does not disclose or suggest at least these features of the independent claims.

Petrunka does not disclose or suggest loading control software for an interface establishing device from a network control device via a first network into the interface establishing device. *Petrunka* does not disclose or suggest that a software update of VOIP server 1140 is possible via the data network 1500. *Petrunka* describes the control

of the routing of calls to agents, such as agent 1300. *Petrunka* does not disclose or suggest loading control software for the interface establishing device via the first network. *Petrunka* also does not disclose or suggest any process for loading software to its servers using network call center 1100. Thus, *Petrunka* does not disclose or suggest all the features of claims 1-3, 7, 8, 10 and 13-15. Applicant respectfully requests that the anticipation rejection be withdrawn.

Claims 4, 9, 11 and 12 were rejected under 35 U.S.C. §102(e) as allegedly being unpatentable over *Petrunka*. Applicant notes that an anticipation rejection is alleged above. Applicant believes that the Office Action intended that this rejection be under 35 U.S.C. §103(a) in that the rejection just includes a typographical error. As discussed above, claim 1 and claim 8 are not disclosed or suggested by the teachings in *Petrunka*. Claims 4, 9, 11 and 12 depend directly or indirectly from these independent claims. Thus, claims 4, 9, 11 and 12 are not disclosed or suggested at least for the reasons given above and because of their dependency upon independent claims 1 and 8. If an independent claim is non-obvious, then any claim dependent therefrom also is non-obvious. MPEP 2143.03. Thus, applicant respectfully requests that the obviousness rejection of claims 4, 9, 11 and 12 be withdrawn.

Claim 5, was rejected under 35 U.S.C. §102(e) as allegedly being unpatentable over *Petrunka* in view of U.S. Patent No. 6,657,957 (*Cheung et al.*) Applicant notes that the Office Action must have meant that claim 5 is rejected under 35 U.S.C. §103(a) in that the rejection includes a typographical error. The Office Action took the position that

Petrunka does not disclose controlling parameters of the gateways. *Cheung* was cited as curing these deficiencies. Applicant submits that *Petrunka* and *Cheung*, either alone or in combination, do not disclose or suggest all the features of any of the presently pending claims.

Claim 5 depends directly from claim 1. Claim 1 is summarized above.

Cheung relates to a method and apparatus for dynamically controlling the admission of calls to a network. *Cheung* describes a network call admission control system where a plurality of different networks are provided. Referring to Figure 1, a voice call is initiated from a phone set 1 over a conventional circuit switch network 21 and is routed to a first gateway 11 connected to IP network 23. *Cheung*, however, does not disclose or suggest the feature of a network control device loading control software for an interface establishing device via a first network into an interface establishing device.

In contrast, as noted above, claim 1 recites "said network control device loads control software for said interface establishing device via said first network into said interface establishing device." Applicant submits that *Petrunka* and *Cheung*, either alone or in combination, do not disclose or suggest at least this feature of the pending claims.

Cheung does not disclose or suggest those features of claim 1 missing from *Petrunka*. Network 21 of *Cheung* does not load control software into an interface establishing device. Thus, claim 1 is not disclosed or suggested by the cited references.


Further, claim 5 depends directly from claim 1. Because claim 1 is non-obvious, then claim 5 also is non-obvious. If an independent claim is non-obvious, then any claim depending therefrom also is non-obvious. MPEP 2143.03. Thus, applicant respectfully submits that the cited references, either alone or in combination, do not disclose or suggest all the features of claim 5. Applicant respectfully requests that the obviousness rejection of claim 5 be withdrawn.

It is submitted that each of claims 1-5 and 7-15 recites subject matter that is neither disclosed nor suggested by the cited references, either alone or in combination. It is therefore respectfully requested that all of claims 1-5 and 7-15 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,


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